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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/848,608	05/03/2001	Andrej Gregov	249768044US1	5996
25096	7590	11/28/2006	EXAMINER	
PERKINS COIE LLP				HAQ, NAEEM U
PATENT-SEA				ART UNIT
P.O. BOX 1247				PAPER NUMBER
SEATTLE, WA 98111-1247				3625

DATE MAILED: 11/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/848,608	GREGOV ET AL.
<b>Examiner</b>	<b>Art Unit</b>	
	Naeem Haq	3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 21 August 2006.

2a)  This action is FINAL.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1-59 is/are pending in the application.  
4a) Of the above claim(s) 7-23 and 26-59 is/are withdrawn from consideration.

5)  Claim(s) 5 is/are allowed.

6)  Claim(s) 1-4, 6, 24, and 25 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)  All    b)  Some \* c)  None of:

1.  Certified copies of the priority documents have been received.
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO/SB/08)  
    Paper No(s)/Mail Date \_\_\_\_\_.  
4)  Interview Summary (PTO-413)  
    Paper No(s)/Mail Date. \_\_\_\_\_.  
5)  Notice of Informal Patent Application  
6)  Other: \_\_\_\_\_.  
\_\_\_\_\_

**DETAILED ACTION**

***Response to Appeal Brief***

In view of the Appeal Brief filed on August 21, 2006, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

Jeff Smith, SPE  
(Art Unit 3625)



JEFFREY A. SMITH  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600

### ***Allowable Subject Matter***

Claim 5 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and all intervening claims.

### ***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

**Claims 1, 6, 24, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Webber et al. (US 5,021,953) ("Webber") in view of DeLorme et al. (US 5,948,040) ("DeLorme").**

Referring to claims 1 and 6: Webber teaches a method in a computing system for displaying information about new products to an identified user, comprising:

- defining a range of dates within which the availability dates of new products fall (col. 4, lines 9-16: "*The travel arranger can be an airline ticket or reservation agent, a travel agent or an individual traveler who uses an entry device such as a personal computer or a computer terminal to enter travel parameters identifying a customer (and therefore a travel policy) and a trip (e.g., a departure and arrival location and a departure and/or arrival time window)...*"; col. 6, lines 22-29; Figure 2, "31").

The examiner notes that an arrival / departure time window is a date range.

- subsetting an inventory of products to those products having an availability date falling within the defined date range (col. 4, lines 24-37: "*The processor*

*which forms a part of this exemplary embodiment of the invented system responds to the travel parameters entered by the travel arranger to machine-interrogate the tariff file in accordance with these parameters and the relevant contents of the rules file and to rapidly sift through what may be thousands of currently available flights, fares and rules for a given trip and to find the lowest fare for which the particular traveler and trip qualify and for which seats are available, automatically communicating as needed with the airline booking system. In particular, the processor uses the tariff file to automatically find all appropriate flights and itineraries for the trip time window and departure and arrival locations..."; Figure 2, "32", "36");*

- from among the subsetted inventory, automatically selecting products for display based upon predicted level of interest to the user (col. 4, lines 37-46: *...automatically communicates with the airline reservation system (e.g., Apollo) to check seat availability on these flights, uses the tariff file to find the lowest fares for the itineraries for which seats are available, using the particular customer's travel policy and other traveler file information to apply that customer's travel constraints and trip parameter trade-offs to these possible itineraries and thereby select the least-cost itinerary which still conforms to that customer's travel policy..."; Figure 2, "40"; col. 3, lines 35-40); and*
- adding information about the selected products to a display (Figure 2, "42").

Webber does not teach that the step of defining the range of dates is performed "automatically". Instead, Webber teaches that this step is performed manually. However, it is well known in the art, and it would have been obvious to one of ordinary skill in the art, to perform the manual step of Webber automatically as evidenced by

DeLorme. DeLorme teaches a travel reservation and planning system that defines a range of dates (i.e. start and finish date/times) automatically (col. 70, lines 33-46) in order to accomplish the same result as Webber (i.e. identifying available flights).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to automate the manual process of Webber because automating a manual process makes the operation much faster and efficient. Furthermore, it would have been obvious to a person of ordinary skill in the art, at the time of the invention, to automate the step of defining the date range since it has generally been recognized that merely automating a manual activity which accomplishes the same result is not sufficient to distinguish over the prior art, *In re Venner*, 262 F.2d 91, 95, 120 USPQ 193, 194 (CCPA 1958).

Referring to claims 24 and 25: Claims 24 and 25 are rejected under the same rationale as set forth above in claim 1.

**Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Webber et al. (US 5,021,953) ("Webber") in view of DeLorme et al. (US 5,948,040) ("DeLorme") and further in view of Sobalvarro et al. (US 7,092,892 B1) ("Sobalvarro").**

Referring to claim 2: Webber and DeLorme teach or suggest all the limitations of claim 1 as noted above. The cited prior art does not teach that the selecting is performed for products in each of a plurality of product categories. However, Sobalvarro teaches a method for grouping and selling products wherein a user selects products in each of a plurality of product categories (Figures 2N and 2O). Therefore it

would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate this feature into the invention of the cited prior art. One of ordinary skill in the art would have been motivated to do so in order to allow a user to select a hotel room, rent a car, and make a restaurant reservation while planning a trip, as suggested by Sobalvarro.

**Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Webber et al. (US 5,021,953) ("Webber") in view of DeLorme et al. (US 5,948,040) ("DeLorme") and further in view of Sobalvarro et al. (US 7,092,892 B1) ("Sobalvarro") and Gerace (US 5,848,396).**

Referring to claim 3: The cited prior art teaches or suggests all limitations of claim 2 as noted above. The cited prior art does not teach selecting the plurality of product categories from a multiplicity of product categories based upon indications of interest by the user in the selected product categories. However, Gerace teaches a method for determining behavioral profile of a user wherein a plurality of product categories are selected from a multiplicity of product categories based upon indications of interest by the user in the selected product categories (col. 6, lines 22-39). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the teachings of Gerace into the cited prior art. One of ordinary skill in the art would have been motivated to do so in order to customize a display for a particular user, as suggested by Gerace.

Referring to claim 4: The cited prior art teaches or suggests all limitations of claim 2 as noted above. The cited prior art does not teach information about each

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selected product is added in a section identifying the product category of the product. However, Gerace teaches this limitation (col. 6, lines 22-39). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the teachings of Gerace into the cited prior art. One of ordinary skill in the art would have been motivated to do so in order to customize a display for a particular user, as suggested by Gerace.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naeem Haq whose telephone number is (571)-272-6758. The examiner can normally be reached on M-F 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Smith can be reached on (571)-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



**Naeem Haq**, Patent Examiner  
Art Unit 3625

November 20, 2006